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# Public Notice

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**Applicant:**  
Milo Breitinger

**Date:**  
**Published:** March 19, 2002  
**Expires:** April 17, 2002

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

**Buffalo District CELRB-CO-R RE: 2002-00220(0) Section: OH 10 and 404**

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**Application for Permit under Authority of  
Section 10 of the Rivers and Harbors Act of 1899 and  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Milo Breitinger, 1559 Clearview Circle, Mansfield, Ohio 44905, has requested Department of the Army authorization to dredge, install a dock extension, and place rock filled bins along the shoreline of Lake Erie. The proposed project is located in Squaw Bay at 700 Bayview Avenue, Put-In- Bay, Ohio 43456.

Department of the Army authorization is required to dredge approximately 200 cubic yards of sand and clay from Lake Erie between the riparian rights lines for the owners property and from the shore to no closer than 10 feet from the marked channel. The dredged material will be disposed of at an upland location. The applicant also proposes to place rock filled metal bins extending approximately 15 feet lakeward from the existing shoreline. The bins will be constructed along approximately 65 feet of shoreline, filled with approximately 230 cubic yards of large stone, covered with filter fabric and topsoil, and seeded. The proposed project will also include the extension of the existing 3 foot wide by 54 foot long floating dock to a total length of 200 feet. The extension will include a 20 foot "T" on the lake-ward terminus.

The applicant stated that the purpose of the project is to protect Bayview Avenue from erosion, beautify the coastline, and protect Lake Erie water snake habitat.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Geraldine L. Larson, who can be contacted by calling (716) 879-4331, or by e-mail at: geraldine.l.larson@usace.army.mil

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Ms. Kim Baker  
Ohio Department of Natural Resources  
1952 Belcher Drive  
Building C-2, Fountain Square  
Columbus, Ohio 43224-1386  
Telephone (614) 265-6411  
FAX (614) 267-2981  
e-mail: kim.baker@dnr.state.oh.us

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the work proposed may affect one species proposed or designated by the U.S. Department of the Interior as threatened or endangered, and it may affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Geraldine L. Larson, or by e-mail at: geraldine.l.larson@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.